

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION**

**June 7, 2007**

**DOCKET NO 9-60-06VW**

**CASE NO. 9-60-06VW**

Change in zoning from R-1 Single-Family Residential to C-2 Commercial on property located at 1401 Cardinal Drive, a variance to reduce the building setback on Belmar Drive from 10-feet to 5-feet, and waivers to reduce perimeter landscaping on the north property line and along Cardinal Drive, containing 0.3 acres total and being in Louisville Metro.

Owner:	Phillip L & Stella Kavanaugh 1506 Cardinal Drive Louisville, KY 40213
Applicant:	Kavanaugh's Paint & Body Company, Inc 1376 Belmar Drive Louisville, KY 40213
Engineer/Designer:	Marv Bloomquist Bloomquist Design Circle, LLC 10529 Timberwood Circle, Ste D Louisville, KY 40223
Attorney:	William B. Bardenwerper Bardenwerper Talbott & Roberts, PLLC 8311 Shelbyville Road Louisville, KY 40222
Existing Uses:	Vacant building
Proposed Use:	Office-showroom/warehouse
Council District:	10—Jim King
<b>Staff Case Manager:</b>	<b>Stephen Lutz, AICP</b>

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION**

**June 7, 2007**

**DOCKET NO 9-60-06VW**

part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**An audio/visual recording of the Planning Commission hearing related to this case is available in the Planning and Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the cd of the June 7, 2007 proceedings.**

**SUMMARY OF STAFF PRESENTATION:**

3:34:06        A summary of this request was presented by Steve Lutz using a PowerPoint presentation, which included a zoning map showing the area around the site, and photos of the site and surrounding properties. Staff discussed the proposed binding elements, including limits on hours of operation and parking of damaged vehicles on the site, design features proposed to mitigate the commercial use, the concerns of the LD&T Committee, and staff's position on the request.

**The following spoke in favor of this request:**

Cliff Ashburner  
8311 Shelbyville Road  
Louisville, KY 40222

Marv Blomquist (as consultant)  
10529 Timberwood Circle "D"  
Louisville, KY 40213

Phillip Kavanaugh (as consultant)  
1376 Belmar Drive  
Louisville, KY 40213

**The following spoke in opposition:**

Jeff Sharp  
1518 Cardinal Drive  
Louisville, KY 40213

Keith Pfaff  
1554 Cardinal Drive  
Louisville, KY 40213

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION**

**June 7, 2007**

**DOCKET NO 9-60-06VW**

Carl Greer  
1522 Cardinal Drive  
Louisville, KY 40213

**SUMMARY OF TESTIMONY OF PROPONENTS:**

3:44:28       Cliff Ashburner used a PowerPoint presentation to present the applicant's case requesting a change in zoning which would allow the applicant to expand his business, and associated variance and waivers. He explained the history of his client's business and his tenure in the neighborhood, the purpose of the expansion, the character of the neighborhood surrounding the development site and how the rezoning of the property would affect the character of the area, the specifics of the site design, the building renderings, and the proposed buffering. He explained the need for the variance and waivers. Mr. Ashburner answered questions from members of the Planning Commission.

**SUMMARY OF TESTIMONY OF OPPONENTS:**

04:01:33       Keith Pfaff presented a petition signed by the majority of property owners along Cardinal Drive who object to the request. He stated that the neighbors' objections relate to the proposed use creating a commercial gateway to a neighborhood which is out of character with the street, the proposed building blocking the view of traffic along Belmar Drive, lowered property values as a result of the new use, drainage problems in the area, and the potential for air pollution as a result of the use. He presented pictures for the Planning Commission's review.

4:06:33       Jeff Sharp stated that he agreed with Mr. Pfaff, and presented photos of the current Kavanaugh property across Belmar from the proposed development site. He stated his concern that the development site would not be well-maintained based on the conditions on the existing site, and stated that there were other body shops in the area.

4:08:10       Carl Greer stated that his opposition was based on the problems of commercial storage across the street from the development site at Mr. Kavanaugh's existing business, and because he feared commercial expansion down the remainder of Cardinal Drive. Mr. Greer submitted pictures for the Planning Commission's review.

**REBUTTAL:**

4:09:36       Cliff Ashburner addressed several of the issues presented by those in opposition, including drainage, presented two additional binding elements to address the design of the building and signs, discussed the character of the area

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION**

**June 7, 2007**

**DOCKET NO 9-60-06VW**

and the appropriateness of a commercial use on this particular property. Mr. Ashburner answered additional questions from members of the Planning Commission. He agreed to an additional binding element prohibiting outdoor storage on the site.

**BUSINESS SESSION:**

In a business session subsequent to the public hearing on this request, the Commission took the following action.

4:21:07        The Planning Commission discussed the proposal in business session. The discussion included outdoor storage, the building design and the need for additional considerations of design features, landscaping and the ability of the applicant to increase landscaping or tree canopy.

4:24:20        A motion was made by Commissioner Carlson, that the matter be continued until the first public hearing in July, and to allow the designer to work on landscaping and tree preservation, and to improve the visual appeal of the Belmar Drive façade. The Planning Commission discussed the motion.

**YES: Commissioners, Carlson, Hamilton, and Fleischaker.**

**NO: Commissioners, Howard, Queenan, Ernst and Abstain.**

**NOT PRESENT FOR THIS CASE: Commissioners, Wells-Hatfield and Blake and Storm.**

**ABSTAINING: No one.**

4:27:07        The motion failed. The Planning Commission engaged in additional discussion about the proposal and what additional information would be needed for the Commission to make a recommendation on the request.

4:34:26        On a motion by Commissioner Carlson, the following resolution was adopted:

**RESOLVED** to continue the hearing until **July 5, 2007** to allow for the applicant to meet with staff to work through holistic design issues and to come back with more detail concerning mitigation in the form of landscape and buffering for the site.

**The vote was as follows:**

**YES: Commissioners Hamilton, Abstain, Ernst, Carlson, and Queenan.**

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION**

**June 7, 2007**

**DOCKET NO 9-60-06VW**

**NO: No one.**

**NOT PRESENT FOR THIS CASE: Commissioners, Wells-Hatfield, Blake  
and Storm.**

**ABSTAINING: Commissioner Howard.**